



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

RECEIVED

APR 10 2003

DIV. OF OIL, GAS & MINING

IN REPLY REFER TO:

3809

UTU-78772

(UT-070)

Price Field Office
125 South 600 West
Price, Utah 84501

APR 8 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Certification No. 7001 0360 0002 1571 4140

DECISION

Operator: Quality Building Stone
8809 South 700 West
Sandy, Utah 84070

: Notice: UTU-78772
: Project Name: Wilford #2
:
:

Notice Expired Plan of Operations Required

Notice UTU-78772 was filed with this office on July 25, 2000. The Surface Management Regulations, 43 CFR 3809.333, require that an operator wishing to extend his/her notice which was on file as of January 20, 2001, notify the Bureau of Land Management (BLM) in writing on or before the expiration date of January 20, 2003, and meet the financial guarantee requirements of 43 CFR 3809.503.

Your notice, UTU-78772, expired on January 20, 2003, since we did not receive written notification that you wished to extend your notice in accordance with 43 CFR 3809.333. All operations, except reclamation, are unauthorized and must immediately cease. We understand that you would like to resume mining operations at this site. In order to do that, you must submit a plan of operations pursuant to 43 CFR 3809.401 within 30 days from receipt of this decision. The performance standards outlined in 43 CFR 3809.420 and the financial guarantee requirements outlined in 43 CFR 3809.500, et seq., applies to this plan of operations.

In addition, a preliminary opinion has determined that the material being mined at this site may be common variety. If you chose to submit a plan of operations, then, in accordance with 43 CFR 3809.101(b)(3), an escrow account must be established in order to remove material until a final determination is made through a validity examination on the subject mining claims. Otherwise, the material may be purchased under a mineral materials sales contract.

The new plan of operations must be approved and a financial guarantee accepted prior to any additional earth-disturbing activities occurring at this site. If the newly submitted plan of operations is not approved because it is incomplete or you do not timely post the appropriate financial guarantee as requested for the plan of operations or establish an escrow account, you must begin reclamation within 30 days of BLM's decision finding that the new plan of operations, financial guarantee or escrow account is incomplete or unacceptable.

Your reclamation obligation continues beyond the expiration of your notice until such time as BLM determines that reclamation is satisfactorily completed. Failure to begin reclamation promptly or to conduct reclamation to BLM specified standards is subject to the enforcement actions specified in 43 CFR 3809.601 to 43 CFR 3809.701. If you wish to meet and discuss this letter, please contact Dean Nyffeler of my staff at 435-636-3615.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no

later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact Utah BLM State Office to determine when BLM receives the request for State Director review. You have 30 days from the end of the 21-day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Price Field Office, 125 South 600 West, Price, Utah 84501) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,

PATRICK J. GUBBINS

Patrick Gubbins
Field Manager

Enclosure
43 CFR 3809 Regulations

cc: Wayne Hedberg, DOGM (S/007/037)
bcc: T. Snyder, UT-923

DNyffeler:ks:4/7/03
Martin Quarry.Expired Notice.rev